IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.865 OF 2005
IN
NOTICE OF MOTION NO.3421 OF 2002
IN
SUIT NO.3480 OF 1992

M/s.Gupta Developments Pvt.Ltd. Appellant

versus

M/s.National Textile Corpn.
(South Maharashtra) Ltd. Respondent

Mr.Shyam Diwan, Sr.Counsel i/by M/s.P.K.Shroff & Co. for appellant.

Mr.P.K.Samdani i/by M/s.Bhai Shankar Kanga & Girdharilal for respondent.

CORAM : DR.S.RADHAKRISHNAN AND
S.C.DHARMADHIKARI, JJ.

DATE : 5th October 2005

PC :

1. Heard learned counsel for the appellant and the respondent. By this appeal the appellant is challenging the order dated 8th October 2004 passed by the learned Single Judge in Notice of Motion No.3421 of 2002 whereby the learned Single Judge has found that the appellant has merely submitted a tender, however, there has been no letter issued by the respondent to the effect

that the offer made by the appellant has been accepted. Learned Single Judge has rightly observed that there was no concluded contract between the parties hence there was no question of granting any relief. Under these circumstances we do not find any error in the impugned order. Appeal is devoid of any merit and hence stands dismissed.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)